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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,999	02/28/2006	Kazuhito Kenmochi	05391/LH	6732
1933 7590 09/05/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER CRANE, DANIEL C	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,999

Applicant(s)

KENMOCHI ET AL.

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,10-15,18,19,22,28,29,37-41,50,59 and 63-71 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1,2,4,10-15,18,19,22,28,29,37-41,50,59 and 63-71.

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LACK OF UNITY

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1, 2 and 4, drawn to a pipe with a formed deviation of less than 3%.

Group II, claims 10-15, drawn to a method for pushing pipe by a pipe feeding with a floating plug.

Group III, claims 18, 19 and 22, drawn to a method for pushing pipe through a die using a lubricant film prior to pushing the pipe into the die.

Group IV, claims 28 and 29, drawing to a method for pushing pipe through a die with the die and plug having an angled opening and the plug having a predetermined length.

Group V, claims 37-41, 50, 59 and 63-71 (*claim 63 improperly depends upon itself*), drawn to an apparatus having a pipe pushing device and plug with the entire inner and outer circumference contacting the die and plug, respectively.

The inventions listed as Groups I and II-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of pushing the pipe through the die to impart a deviation to the pipe of 3% or less is absent the methods or apparatus. Group II lacks the special technical feature of Group III by lubricating the interior and exterior of the pipe prior to the pushing of the pipe into the die. Group III lubricates the pipe and lacks the special technical feature of Group IV by push drawing in a non-lubricated environment using a plug having a working angled surface and predetermined length and die

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having a specific working angled surface. Group IV shapes a pipe using angled surfaces and lacks the special technical feature of Group V by using a plug and die that contact the interior and exterior, respectively, of the pipe without any angling of the working surfaces of the apparatus.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 7:00 AM – 3:30 PM, Monday through Friday.

Documents related to the instant application may be submitted directly by facsimile transmission at all times. The Examiner's Fax number is **(571) 273-4516**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is **not** to be considered as an official response. The Office Facsimile Center number is **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks, can be reached on **571-272-4419**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCCrane
August 30, 2007

A handwritten signature in black ink, appearing to read 'D. Crane', with a stylized flourish at the end.

Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725